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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/799,572 | 03/11/2004 | Arto Mattila | 915-006.035 | 6484 |
| 4955 7590 12/11/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468 | | | EXAMINER TO, TUAN C | |
| | | | ART UNIT 3663 | PAPER NUMBER |
| | | | MAIL DATE 12/11/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,572

Applicant(s)

MATTILA, ARTO

Examiner

Tuan C. To

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12-16, 19-28, 32-34 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) 16, 19-28, 32-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-15, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Newly submitted claim 38 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 38 is drawn to a computer program product. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 38 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claims 12-15 refer to claim 1. Thus claims 1-8, 12-15, 36, and 37 are examined. The rest of the claims are drawn to non-elected claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-8, 12-15, 36, and 37 are rejected under 35 U.S.C. 102 (e) as being anticipated by Jensen et al. (US 20040147268A1).

Regarding claims 1 and 37, Jensen et al. directs a system/method for generating an invocation response, said invocation response containing a location invocation document including at least an instruction directed to said networked entity to transmit location information being provided for performing location-based services being operated on a serving entity (Jensen et al., abstract; page 1, paragraph 0005 and 0006); binding said invocation response to a communication protocol defining a header section and a body section; said location invocation document being comprised in said body section (Jensen et al., paragraph 0040 and 0041), and transmitting said invocation response to said networked entity (Jensen et al., paragraph 0006).

As to claim 2, Jensen et al. further discloses receiving an application request, said application request containing at least an instruction for requesting location service requiring location information to be performed (paragraph 0035); parsing said application request for extracting information comprised in said application request (paragraph 0040, the WAP gateway is used in parsing the application request in order to convert the request information prior to forwarding information to the origin server); identifying location information from the extracted information (paragraph 0042); and in case said identifying of said location information fails; initiating said generating of said invocation response (figure 2).

As to claims 5, and 36, Jensen et al. further discloses a system/method for transmitting location information to a serving entity operating location-based services,

comprising: generating a delivery request (paragraph 0034, the mobile station 100 makes a request for service from the origin server 110), said delivery request containing a location delivery document including location information (paragraph 0036 shows that the request contains a location delivery document), said location information being provided for performing location-based services being operated on said serving entity (paragraph 0035, the location information is provided by the origin server in response to the request from mobile station 100); said delivery request requesting the results of said location-based services (paragraph 0035); binding said delivery request to a communication protocol defining a header section and a body section (figure 2); said location delivery document being comprised in said body section; and transmitting said delivery request to said serving entity (paragraph 0039, and 0040).

As to claim 8, Jensen et al. further discloses "receiving an application request; said application request containing information in accordance with said performing of location-based services being operated on said serving entity" (paragraph 0035, the origin server 110 receives an application request from the mobile station 100, and in response to the request, the server 110 sends a response message to the mobile station 100).

As to claims 3 and 6, Jensen et al. further discloses that location invocation document is encoded as an XML-based (Jensen et al., paragraph 0038).

As to claims 4 and 7, Jensen et al. further discloses communication protocol is a wireless application protocol (WAP) (Jensen et al., paragraph 0038).

As to claims 12-15, Jensen et al. illustrate the mobile station (100) as a GSM mobile telephone is connected to a wireless network (102), the wireless network (102) is connected to a WAP gateway (104) via a connection (114), the WAP gateway (104) is connected to the Internet (108) via the connection (116), and the origin server (11) connects to the Internet (108) via a connection (120). Thus, the mobile station is provided to communicate with the origin server (11) via the wireless network and Internet. And therefore, in order to establish the communication with said server, the mobile station of (100) is necessary to include a computer program for requesting location information from the origin server.

Response to Arguments

In response to the applicant's amendment dated 06/27/07, the examiner has revised the office action to address all the limitations as recited in the claim.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Application/Control Number:
10/799,572
Art Unit: 3663

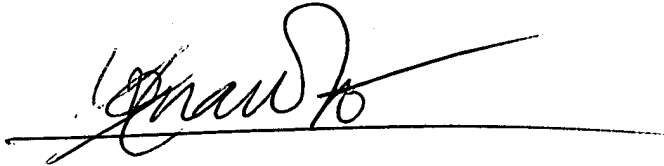
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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

November 27, 2007